IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7124 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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B.S. NATH - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR PS PATEL for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 28/07/2006

ORAL JUDGMENT

1. The petitioner herein claims post retiral benefits which he states that he has not received from the Government. Initially a

penalty of removal from service was awarded to the petitioner. Eventually, the Hon'ble Supreme Court by an order dated 20th March, 1995 in SLP filed by the petitioner substituted the order of removal to that of compulsory retirement. It was further observed that “the appellant shall be entitled to pension and other post retiral benefits in accordance with the rules”.

2. The case of the petitioner is that despite the said order, the petitioner has not received any benefits from the Government.

3. No reply has been filed pointing out as to why the benefits payable to the petitioner have not yet been released. Under the circumstances, it is directed that the respondents shall pay the retiral benefits of the petitioner in accordance with law expeditiously and in any case not later than two months from the date of receipt of a copy of this order. With respect to the question of pension, since the penalty by way of substitution which the petitioner faces is that of compulsory retirement, the petitioner may not be entitled to receive normal pension.

However, it would be open for him to make a representation for grant of compassionate pension. The Government shall consider the same in accordance with law and come to the conclusion whether pension is required to be paid to the petitioner or not and reply to the petitioner within two months from the date of receipt of such a representation.

4. With the above directions, the petition is disposed. Rule is made absolute to the above limited extent with no order as to costs.

(Akil Kureshi, J.)

(vjn)